

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

GENEVA LANGWORTHY,

Plaintiff,

v.

DEBRA LEV et al.,

Defendants.

CASE NO. 2:21-cv-01149-LK

ORDER ADOPTING REPORT AND  
RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of United States Magistrate Judge Michelle L. Peterson, recommending that the Court revoke pro se Plaintiff Geneva Langworthy’s *in forma pauperis* (“IFP”) status for appeal because her appeal is frivolous. Dkt. No. 53. Ms. Langworthy failed to timely object to the R&R. Having reviewed the R&R and the remaining record, and for the reasons discussed below, the Court adopts the R&R and certifies that Ms. Langworthy’s proposed appeal is not taken in good faith. 28 U.S.C. § 1915(a)(3).

On June 5, 2024, Ms. Langworthy moved to reopen this case more than two years after voluntarily dismissing her claims without prejudice. Dkt. Nos. 47–48; *see also* Mar. 21, 2022

Docket Entry. On June 6, 2024, the Court denied her motion for lack of jurisdiction, Dkt. No. 49, and on June 12, 2024, Ms. Langworthy filed a notice of appeal, Dkt. No. 50. On June 20, 2024, the Court of Appeals for the Ninth Circuit referred the matter to this Court for the limited purpose of determining whether Ms. Langworthy's IFP status should continue for her appeal. Dkt. No. 52. The Court then referred the question to Judge Peterson. *See* June 21, 2024 Docket Entry. On June 26, 2024, Judge Peterson issued her R&R, finding Ms. Langworthy's appeal to be frivolous. Dkt. No. 53. Specifically, the R&R concluded that because Ms. Langworthy voluntarily dismissed her claims under Federal Rule of Civil Procedure 41(a)(1)(A)(i), the Court lacked jurisdiction to reopen this case and "[t]here is no basis in law or fact" for Ms. Langworthy to argue otherwise on appeal. *Id.* at 2.

The Court reviews findings and recommendations "*if objection is made*, but not otherwise." *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) ("Neither the Constitution nor the statute requires a district judge to review, de novo, findings and recommendations that the parties themselves accept as correct."); *see also* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). As stated above, Ms. Langworthy did not object to Judge Peterson's R&R.

Having reviewed the R&R and the remainder of the record, and in the absence of any objections by Ms. Langworthy, the Court hereby finds and ORDERS the following:

1. Judge Peterson's R&R, Dkt. No. 53, is ADOPTED.
2. Ms. Langworthy's appeal is frivolous and not taken in good faith, and therefore her IFP status is revoked for purposes of appeal. *See* 28 U.S.C. § 1915(a)(3); *Hooker v. Am. Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002).
3. Pursuant to Federal Rule of Appellate Procedure 24(a)(4), the Clerk of Court is directed to

//

//

1 immediately notify Ms. Langworthy and the Ninth Circuit that the Court has certified that  
2 the appeal is not taken in good faith.

3  
4 Dated this 12th day of July, 2024.

5 

6 

---

Lauren King  
7 United States District Judge  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24